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Clergy Appointments

Appointing a Priest-in-Charge



There is a lot of jargon associated with clergy appointments some of which is explained in our leaflet "Clergy Appointments - An Overview".

A Spiritual Exercise

You are involved in appointing a minister of the gospel of the Lord Jesus Christ, someone who will be a presbyter within the household of faith. There are clear guidelines laid down in the Scriptures that we should follow and our own Church of England reflects and affirms these in its official formularies including the 1662 Ordinal. You should not be content with someone who falls short of these standards and nor should anyone in our Church.

It is also apparent from the New Testament that prayer was an indispensable ingredient in appointing leaders and it must be indispensable in your endeavors too.

Sometimes parishes are dispirited when a Priest-in-Charge is appointed because they are losing some status, because they can find themselves squeezed out of parts of the appointment process or because they are being asked to agree to things with which they are unhappy. You should not be afraid to stand your ground, but at the same time you must continue in prayer imploring the Lord to provide you with a godly minister. *A man's heart plans his way, but the LORD directs his steps (Prov. 16.9).*

What is a Priest-in-Charge?

A Benefice is an ecclesiastical office which, under law, carries certain duties and conditions (called the spiritualities) together with certain revenues (called the temporalities). The office holder is known as the Incumbent. A Benefice can consist of one parish or several and it is possible, though relatively rare for an Incumbent to hold two Benefices, that is "in plurality". Incumbents are generally known as Rectors or Vicars and the reason for this distinction is explained in our leaflet "Appointments – An Overview". If you are not familiar with the jargon of the Church of England then we recommend that you read the overview leaflet before embarking on the next few paragraphs.

An Incumbent must consent to changes in a Benefice, including changes to the Benefice property (parish churches, parsonage and graveyards). Therefore, when there is vacancy and changes are being considered to the Benefice or its properties then it is often deemed best to suspend the Benefice to remove the potential complications of an incoming Incumbent objecting. It is not actually necessary to suspend in these circumstances but legislation allows for it and it is very common. When the Benefice is suspended the Bishop assumes the spiritualities and temporalities.

Under law a Diocesan Bishop has a general duty to provide for the cure of souls in his Diocese. Ordinarily he does this by appointing Incumbents who have a specific cure of souls. When there is no Diocesan Bishop the Crown has historically assumed some of these though recent proposals will mean that someone is appointed on a temporary basis to assume duties with the consent of the Crown. When there is an interregnum the cure of souls in a Benefice falls to a combination of the Bishop, local clergy, Churchwardens and other licensed staff in the Benefice. However, when a Benefice is suspended, and there is therefore no intention of appointing an incumbent for the time being, the Bishop must make some other provision for the cure of souls and he does this by appointing a Priest-in-Charge.

The Priest-in-Charge is, by definition, not an incumbent and therefore whilst they will often be called Rector or Vicar they are not in fact the legal holders of that office.

There is a view amongst some that a Bishop can appoint a Priest-in-Charge at other times, but there is no legislation that permits this. The Bishop can make some provision for parishes in other circumstances (mental incapacity etc) but not by appointing a Priest-in-Charge. If a Benefice is not suspended then the rights and duties associated with it must be respected.

Patrons have the right to nominate and present the Incumbent of a Benefice. In legal terms the Patrons convey the temporalities, including possession of the Benefice property to an incumbent (because the original historic patrons were the benefactors of this property, or were appointed as its Trustees). When a Benefice is suspended the Patrons therefore have no formal rights in an appointment. They may often be very much involved, but they have no rights.

The legislation governing the appointment of an Incumbent does not apply to the appointment of a Priest-in-Charge. This means that the Parish also has no legal rights in the appointment. Often very similar steps are taken but it is important to realize that at present there are no legal safeguards for the Parish. In January 2011 it is expected that new legislation will come into force called the Ecclesiastical Offices (Terms of Service) Measure. Because this will establish proper legal safeguards for those who are Priest-in-Charge it will establish firm expectations that certain steps are taken in appointments so that everyone involved understands and agrees the precise terms on which the appointment is made. When the legislation is in force this leaflet will be revised.

General Advice for Parishes

Realism.

It is important to be realistic. At the present time the falling number of stipendiary clergy and financial difficulties in some Dioceses make changes to some benefices inevitable. It can be deeply frustrating to see what is going on nationally because it looks like a strategy for managing decline and often churches which are vibrant and growing are not being encouraged but frustrated by foolish and rigid Diocesan policies. Nevertheless if your parish is struggling and unable realistically to meet the costs of ministry you have to face the hard facts.

Research.

This leaflet seeks to explain the basics of appointing a Priest-in-Charge. It is well worth getting to grips with the technicalities and general expectations. Except in a few situations parishes should expect to be fully involved in appointments and act accordingly. Find out how an appointment should work and proceed on that basis. In the end it is the people of the parishes who financially support the ministry and who will benefit from it, or endure it, and you should remember that this is so.

Ask questions.

Don't be afraid to ask questions and indeed to question whether a particular way of working is really necessary. There is no set pattern.

Accountability.

We are part of an established church and this means that we are all accountable within the legal framework of the Church of England. There are laws governing suspensions and appointments and everyone has a duty to abide by them. Laws are there to be a safeguard and because we recognize that as fallen creatures we do sometimes abuse power and trust.

is for the appointment to proceed as if the benefice was not suspended.

6. Pastoral breakdown.

It is possible for situations to arise in which parishes are unable or unwilling to act to appoint their next minister. In this situation the law does allow the Bishop to intervene and appoint a Priest-in-Charge without the consent of the parish. No-one wants to see this happen and it is necessary to trust that Bishops will only use this power in extremis and will not abuse the power. The Bishop will already be involved in trying to address and resolve the issues and will have to take into account the consequences of such an appointment.

7. Abuse of power.

Sadly there are situations when parishes feel that a Bishop has acted to suspend presentation for reasons that are wholly wrong. It may be that the parish has a distinctive ministry or has spoken out on issues within the Diocese and this has not been well received. This should not happen but as in the point above it does sometimes. In this situation the Parish should object to the suspension of presentation. If the Benefice is already suspended then they can only object to the appointment. A Bishop is unwise, and inviting further problems, to impose someone on a Parish whom they do not want and in general where power is abused it is done much more subtly and in such a way that it is harder to pin down.

The Process

As has been pointed out above there is no legislation governing the process of appointing a Priest-in-Charge and because it is such an all embracing provision it would be difficult to frame legislation that fitted every circumstance. Therefore it is better to consider the circumstances under which a particular appointment is being made and the expectations that should therefore arise regarding how that appointment will be conducted.

The House of Bishops has committed themselves to fully involve all the parties in appointments. The general expectation is, unless there is good reason not to do so, that a Bishop will allow the appointment of a Priest-in-Charge to proceed as if the person was being appointed as Incumbent. This makes sense not least because appointments can be a burden on senior Diocesan staff and at a time when everyone is concerned to reduce overheads it is better to rely on the expertise in parishes and amongst patrons wherever possible. Unless the Bishop is also the Patron their historic and legal duty was primarily to ensure that clergy being appointed are fit for office, in particular that they are of sound doctrine and morals. There is also a concern to ensure that proper processes are followed to avoid future complications.

When might it occur?

Under what circumstances might a Priest-in-Charge be appointed when there is a vacancy and how should we expect the appointment to proceed in each case?

1. There is a Plan.

Very often there is a specific plan on the table to change benefices, perhaps by merging two benefices. If the formal process is underway to create the necessary 'scheme' then it is deemed right and proper to get on with an appointment rather than delay until the scheme has come into force.

This is a clear situation in which it is beneficial for the Bishop to allow the Parish and Patrons to carry on as if the benefice was not

suspended. If a person is in post as Priest-in-Charge when the formal scheme is brought for approval that person will often be named in the scheme as the incumbent and there is potential for the Parish and Patron to object to this provision. If they have not been properly involved in the appointment the objection could be upheld and the person concerned will have to move elsewhere. If the person is not named then at some stage there will need to be an appointment of an Incumbent and again the Parish or Patron could refuse to agree. Therefore it makes sense for the Bishop to act appropriately.

2. Possible Reorganisation.

As has been stressed above there is no actual need to suspend a benefice in order to re-organise parishes but because an Incumbent must consent to proposals it is usual to appoint a Priest-in-Charge who does not have to consent. This means that where changes are inevitable it is worth trying to get them accomplished by mutual consent before the Incumbent moves.

It can seem particularly unfair for large parishes to be suspended but if there are smaller parishes nearby such that some re-organisation might be required that would include the larger parish then this does give grounds for suspension.

The legislation governing suspensions does envisage that there will be some plans or proposals under consideration and when there is not, as is often the case, this is a ground for challenging a suspension. However, in terms of appointments, if the reason for suspension is simply that there is possible re-organisation in the future then the appointment should be allowed to proceed along the same general lines as if the person were an Incumbent.

3. Combining parishes.

Where there is specific consideration being given to two Benefices being merged and where one of these is about to become vacant a different consideration arises. The plan may well involve the Incumbent or Priest-in-Charge of the other Benefice becoming the Incumbent of both. If all the parties are content with this proposal then the usual appointment process is not necessary and the person

can be appointed quickly and easily as Priest-in-Charge of the vacant Benefice. If the Parishes, or indeed the Patrons, object they should make their objections known but it is actually possible for the Bishop to impose someone if he chooses to do so. If this happens the Parish or Patron would again have to protest against the scheme or oppose the following appointment.

4. Finance.

This is a thorny issue. In recent times the deployment of clergy in the Church of England has been related primarily to spiritual need rather than to ability to pay. However, finance has become an increasingly important consideration overall as some Dioceses have faced the possibility of not being able to meet their commitments.

Recent legislation has allowed Diocesan Mission and Pastoral Committees to consider matters of finance as part of their work. In principle they can decide that a benefice would be too small to generate the money to cover the costs of an incumbent. What they are not able to do is suspend a benefice because the parish or parishes are not paying their parish share or quota. A motion which might have allowed this was thrown out by the General Synod a few years ago.

The Church of England has no power to levy taxes and for this reason the quota remains an entirely voluntary contribution. There is a moral obligation to pay it, but not a legal one. Therefore the threat of suspension because of non-payment, whilst it may appear reasonable to some, is wrong.

5. Changes to the Benefice House.

An Incumbent, being the legal owner of the parsonage, must approve major changes to the property, as must the Patron. It is common, though again not necessary, that when there are proposals to substantially alter the parsonage house, and in particular if an old property is to be sold and a new one bought, then the Benefice is suspended. This is really a technical move and it does avoid complications about timing of appointments when deals are being done on properties or if some temporary accommodation is required. In this case everyone should assume that the right and proper thing